

CASE

NUMBER:

99-243

Construct
CELL SITE - 7897 SHEPHERDSVILLE ROAD - ELIZABETHTOWN

IN THE MATTER OF THE APPLICATION OF POWERTEL/KENTUCKY, INC.,
A DELAWARE CORPORATION, FOR ISSUANCE OF A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL
COMMUNICATIONS SERVICES FACILITY IN B-263 BASIC TRADING AREA

SEQ NBR	ENTRY DATE	REMARKS
M0001	06/14/1999	CHRIS HUNSINGER HARDIN COUNTY PLANNI- INFORMATION PERTAINING TO PLACEMENT OF TOWER
0001	06/18/1999	Application.
0002	06/25/1999	Acknowledgement letter.
0003	07/08/1999	Def. letter; info due 7/23
M0002	07/09/1999	BRENT RICE POWERTEL-COVER PAGE OF GEOTECHNICAL REPORT
M0003	07/20/1999	BRENT RICE/POWERTEL-RETURN RECEIPTS FOR CORRESPONDENCE FORWARDED VIA CERTIFIED MAIL
0004	07/28/1999	Def. cured letter
0005	09/10/1999	Final Order granting C/N to construct a wireless telecommunications facility.
M0004	09/20/1999	BRENT RICE POWERTEL-FINAL DETERMINATIONS OF THE KY AIRPORT ZONING COMMISSION & FEDERAL AV
0006	01/20/2000	First Reminder to Allen E. Smith C: Honorable Brent W. Rice

1999-243-UAC

VII-I-254

Box 35



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Paul E. Patton
Governor

January 20, 2000

Mr. Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Dr.
West Point, GA 31833

Re: Case No. 99-243 UAC
First Reminder Letter

Dear Mr. Smith:

The Commission entered its Final Order in this case on September 10, 1999. Among other things, the Commission ordered that Powertel/Kentucky shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this site within 10 days of receiving these decisions. This must be filed to fully comply with the Commission's Order. Please make this filing, referencing the case number 99-243 UAC.

If you have questions concerning this letter, please contact Howell Brady, Principal Assistant to the Executive Director at 502-564-3940, extension 265. Otherwise, please mail the required filing to Helen C. Helton, Executive Director, Public Service Commission, 730 Schenkel Lane, Post Office Box 615, Frankfort, Kentucky 40602.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary to the Commission

SB/lc

C: The Honorable Brent W. Rice



INDEX FOR CASE: 99-243UAC
POWERTEL/KENTUCKY, INC.

Construct
CELL SITE - 7897 SHEPHERDSVILLE ROAD - ELIZABETHTOWN

IN THE MATTER OF THE APPLICATION OF POWERTEL/KENTUCKY, INC.,
A DELAWARE CORPORATION, FOR ISSUANCE OF A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL
COMMUNICATIONS SERVICES FACILITY IN B-263 BASIC TRADING AREA

SEQ NBR	ENTRY DATE	REMARKS
M0001	06/14/99	CHRIS HUNSINGER HARDIN COUNTY PLANNI- INFORMATION PERTAINING TO PLACEMENT OF TOWER
0001	06/18/99	Application.
0002	06/25/99	Acknowledgement letter.
0003	07/08/99	Def. letter; info due 7/23
M0002	07/09/99	BRENT RICE POWERTEL-COVER PAGE OF GEOTECHNICAL REPORT
M0003	07/20/99	BRENT RICE/POWERTEL-RETURN RECEIPTS FOR CORRESPONDENCE FORWARDED VIA CERTIFIED MAIL
0004	07/28/99	Def. cured letter
0005	09/10/99	Final Order granting C/N to construct a wireless telecommunications facility.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-243 UAC
POWERTEL/KENTUCKY, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on September 10, 1999.

Parties of Record:

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC., A)	
DELAWARE CORPORATION, FOR ISSUANCE OF)	
A CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A PERSONAL)	CASE NO.
COMMUNICATIONS SERVICES FACILITY IN B-263)	99-243-UAC
BASIC TRADING AREA (THE LV-0-11-FACILITY))	

O R D E R

On July 20, 1999, Powertel/Kentucky, Inc. ("Powertel/Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 7897 Shepherdsville Road, Elizabethtown, Hardin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 48' 17.5" by West Longitude 85° 51' 7.8".

Powertel/Kentucky has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, Powertel/Kentucky has submitted the uniform application to the Hardin County Planning and Development Commission ("Planning Commission"). The Planning Commission approved the proposed construction. Powertel/Kentucky has

filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications are pending.

Powertel/Kentucky has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments have been filed.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Powertel/Kentucky should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Powertel/Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Powertel/Kentucky has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 7897

Shepherdsville Road, Elizabethtown, Hardin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 48' 17.5" by West Longitude 85° 51' 7.8".

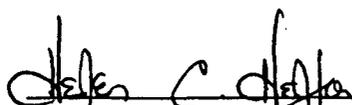
2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Powertel/Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 10th day of September, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 28, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

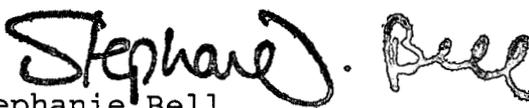
Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

RE: Case No. 99-243 UAC
POWERTEL/KENTUCKY, INC.

The Commission staff has reviewed your response of July 20, 1999 and has determined that your application in the above case now meets the minimum filing requirements set by our regulations. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further information, please contact my staff at 502/564-3940.

Sincerely,


Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

July 8, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA 31833

W. Brent Rice
Attorney at Law
McBrayer, McGinnis, Leslie &
Kirkland
163 West Short Street
Suite 300
Lexington, KY 40507-1361

Re: Case No. 99-243 UAC
Filing Deficiencies

Gentlemen:

The Commission staff has conducted an initial review of your filing in the above case. This filing is rejected pursuant to 807 KAR 5:001, Section 2, as it is deficient in certain filing requirements. The items listed below are either required to be filed with the application or must be referenced if they are already on file in another case or will be filed at a later date.

Filing deficiencies pursuant to 807 KAR 5:063, Section 4(1):

A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs, foundation design recommendations, and a finding as to the proximity of the proposed site to flood hazard areas (findings re: flood hazard proximity may be prepared by a land surveyor).



FILED

JUL 20 1999
PUBLIC SERVICE COMMISSION

FOR THE PUBLIC RECORD

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 18 1999
PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC.,)	
A DELAWARE CORPORATION, FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A PERSONAL)	Case No. 99-243 UAC
COMMUNICATIONS SERVICES FACILITY IN)	
B-263 BASIC TRADING AREA)	
(THE LV-0-110 FACILITY))	

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction 7897 Shepherdsville Road, Elizabethtown, Hardin County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

The statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission. You are requested to file 10 copies of this information within 15 days of the date of this letter. If you need further information, please contact Kyle Willard of my staff at (502)564-3940, ext. 418.

Sincerely,



Stephanie Bell
Secretary of the Commission

sa



99-243
UAC



Hardin County
Planning and Development Commission

RECEIVED

JUN 14 1999

PUBLIC SERVICE
COMMISSION

10 June 1999

Executive Director's Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

RE: Public Notice - Public Service Commission of Kentucky
Site #'s LV-0-110 (Yates) and
L-KY-047-115 (Whitford-A)

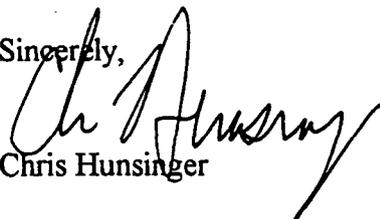
In accordance with Kentucky Revised Statutes (Chapter 100.324) public utility facilities "shall be referred to the Commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan".

The Hardin County Planning Commission reviewed the above referenced sites at their regularly scheduled meeting on Tuesday, 8 June 1999. At that time, these cases were found to be in significant compliance with the County's Comprehensive Plan.

Please remember that any construction on these sites are subject to the Kentucky Building Code. Building and electric permits must be secured from this office before construction is to start.

If you have any questions, please contact Chris Hunsinger or Fred Rollenhagen at the Hardin County Planning Commission.

Sincerely,



Chris Hunsinger

cc: ETC Associates
Powertel, Inc.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

June 25, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

RE: Case No. 99-243 UAC
POWERTEL/KENTUCKY, INC.
(Construct) CELL SITE - 7897 SHEPHERDSVILLE ROAD - ELIZABETHTOWN

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received June 18, 1999 and has been assigned Case No. 99-243. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/jc

FILED
JUL 20 1999
PUBLIC SERVICE
COMMISSION

FOR THE PUBLIC RECORD
COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JUN 18 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC.,)
A DELAWARE CORPORATION, FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A PERSONAL) Case No. 99-243 UAC
COMMUNICATIONS SERVICES FACILITY IN)
B-263 BASIC TRADING AREA)
(THE LV-0-110 FACILITY))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction 7897 Shepherdsville Road,
Elizabethtown, Hardin County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY MCBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III +
STEPHEN C. CAWOOD
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
LUKE BENTLEY III
STEPHEN G. AMATO
MARY ESTES HAGGIN
R. STEPHEN MCGINNIS ++
JON A. WOODALL
MARIA S. BUCKLES
MARGARET M. YOUNG
MELINDA G. WILSON
REBECCA L. BRIGGS
MARY ELIZABETH CUTTER
J. BRADFORD DERIFIELD ++
JARON P. BLANDFORD

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
+ ALSO ADMITTED IN TEXAS & FLORIDA
++ ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS
P. O. BOX 280
GREENUP, KENTUCKY 41144-0280
606-473-7303
FACSIMILE 606-473-9003

300 STATE NATIONAL
BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE HELTON
STATE NATIONAL BANK BUILDING
305 ANN STREET
SUITE 308
FRANKFORT, KENTUCKY 40601-2847
502-875-1176
FACSIMILE 502-226-6234

June 17, 1999

Ms. Stephanie Bell
Secretary of the Commission
Kentucky Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40601

RE: **Case Number 99-243 UAC**
Powertel/Kentucky, Inc. (LV-0-110 Facility)

Dear Ms. Bell:

This letter is to follow up my request for a case number on June 17, 1999. The application is on behalf of Powertel/Kentucky, Inc., for a cell site located at 7897 Shepherdsville Road, Elizabethtown, Hardin County, Kentucky. I was given Case Number 99-243 UAC. We intend to file the application no later than June 22, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780). Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw